

DETAILED ACTION

Claims 1-18 were previously pending;

Claims 1, 8 and 13 have been amended;

Claims 1-18 are now pending;

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 26, 2009 has been entered.

Response to Amendments

2. Applicant's arguments and amendments filed on January 26, 2009 have been carefully considered.

Examiner will address the newly added claim limitation by relying on Anjum as a secondary reference in the rejection of claims 1, 8 and 13 below.

Examiner would like to point out that claim 13 and claim 1 do not seem to claim the same invention because in claim 1, it appears that a call establishment request serves to establish a call while a separate application program start message serves to start an application program,

whereas in claim 13, the call establishment request alone appears to both establish a call and start an application program.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner would like to point out that claim 13 and claim 1 do not seem to claim the same invention because in claim 1, it appears that a call establishment request serves to establish a call while a separate application program start message serves to start an application program, whereas in claim 13, only the call establishment request is recited, leading Examiner to wonder if a step related to “an application start message” is missing in claim 13.

An appropriate clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-8 and 12-18** are rejected under 35 U.S.C. 103(a) as being obvious over Riikonen et al (US 2003/0123488, hereinafter "**Riikonen**"), in view of Anjum et al. (US 2001/0028654, hereinafter "**Anjum**").

Regarding claim 1, Riikonen disclosed a method of starting an application program of a mobile terminal having a data terminating function, the method comprising the steps of:

receiving a call establishment request for data termination (Riikonen, [0007-0008], "SIP Invite");

establishing a data call according to the call establishment request (Riikonen, [0007-0009] and [0015]);

determining the type of service specified by an application program starting message when the application program starting message is received after the call is established (Riikonen, [0007], "MIME type"), and

automatically starting an application program corresponding to the determined type of service (Riikonen, [0007-0009], it can be implied that depending on the MIME type of data, whether it is image/jpeg or audio/midi, a corresponding application program must be automatically started to present the data),

reading an IP address of a service server specified by the application program starting message, wherein the service server corresponds to the specified type of service (Riikonen, [0009], "a URL in a SIP message");

accessing the service server (Riikonen, [0008-0009]); and

receiving service data of the specified type of service from the service server (Riikonen, [0008-0009]).

Riikonen did not explicitly disclose that an application program is started prior to reception of service data.

However, Anjum disclosed that a caller can use a MIME type “media/whiteboard” to request the use of a whiteboard service, and the called party activates the terminal component associated with the service if such a component exists. Anjum’s disclosure indicates that the whiteboard component is activated before the user can use whiteboard service to exchange media data. Therefore the whiteboard service is started before the media data is received.

One of ordinary skill in the art would have been motivated to combine Riikonen and Anjum because both disclosed using SIP to set up media sessions between a calling party and a called party (Riikonen, [0006-0009]; Anjum, [0039]).

Therefore, it would have been obvious for one to apply Anjum’s teaching to Riikonen to obtain the predictable result of starting an application program corresponding to the media type requested prior to the reception of the media data.

Regarding claim 8, Riikonen disclosed a method of providing service data to a mobile terminal in a mobile communication system, the mobile terminal having a data terminating function, the method comprising the steps of:

receiving a request for data transmission to the mobile terminal from at least one service server (Riikonen, [0006-0010] and [0023-0025]);

generating an application program starting message for running one of at least one application program stored in the mobile terminal on the basis of the type of service data to be provided from the service server, wherein the application program starting message specifies a type of service data to be provided from the service server and an IP address of the service server (Riikonen, [0006-0010] and [0023-0025]);

transmitting a call establishment signal requesting data termination to the mobile terminal, wherein the call establishment signal allows transmission of the generated application program starting message to the mobile terminal (Riikonen, [0006-0010] and [0023-0025]);

transmitting the application program starting message to the mobile terminal through a traffic channel, the traffic channel being formed upon the selection of data termination at the mobile termination at the mobile terminal (Riikonen, [0006-0010] and [0023-0025]); and

connecting the service server to the mobile terminal upon request by the mobile terminal and in accordance with the IP address of the service server for transmission of service data from the service server to the mobile terminal (Riikonen, [0006-0010] and [0023-0025]).

Riikonen did not explicitly disclose that an application program is started prior to reception of service data.

However, Anjum disclosed that a caller can use a MIME type “media/whiteboard” to request the use of a whiteboard service, and the called party activates the terminal component associated with the service if such a component exists. Anjum’s disclosure indicates that the whiteboard component is activated before the user can use whiteboard service to exchange data. Therefore the whiteboard service is started before the whiteboard media data is received.

One of ordinary skill in the art would have been motivated to combine Riikonen and Anjum because both disclosed using SIP to set up media sessions between a calling party and a called party (Riikonen, [0006-0009]; Anjum, [0039]).

Therefore, it would have been obvious for one to apply Anjum's teaching to Riikonen to obtain the predictable result of starting an application program corresponding to the media type requested prior to the reception of the media data.

Claim 13 lists elements that can all be found in claim 1. Therefore, the supporting rationale of the rejection to **claim 1** applies to **claim 13**.

Regarding claims 2 and 14, the combination of Riikonen and Anjum disclosed the method of claims 1 and 13.

Riikonen did not explicitly disclose but Anjum disclosed that the establishment of the data call is performed when a data terminating function is selected (Anjum, [0038] disclosed that on the called party's side, if a terminal component is associated with the requested type, then the call can be immediately accepted and the component can be activated).

One of ordinary skill in the art would have been motivated to combine Riikonen and Anjum because both disclosed using SIP to send media data (Riikonen, [0006-0009]; Anjum, [0039]).

Therefore, it would have been obvious for one to apply Anjum's teaching to Riikonen to obtain the predictable result of establishing a session in Riikonen's system when a data terminating function is selected.

Regarding claims 3 and 15, the combination of Riikonen and Anjum disclosed the method of claims 1 and 14.

Riikonen did not explicitly disclose but Anjum disclosed determining whether or not an appropriate application program corresponding to the type of service specified by the application program starting message exists in a memory of the mobile terminal (Anjum, [0035] discloses that a terminal component is implemented as a software component (e.g. a JavaBean) that is analogous to (or, depending upon the service, could in fact actually be) a Web applet. It is a common knowledge to one skilled in the art that a web applet exists in a memory of the terminal device).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

Regarding claims 4 and 16, the combination of Riikonen and Anjum disclosed the method of claims 3 and 15.

Riikonen further discloses that the application program starting message includes:
a header for determining whether or not a received message is an application program starting message (Riikonen, [0024-0025]);
type of service information (Riikonen, [0007] and [0024-0025]);
type of transmission data information (Riikonen, [0007]);
service server access information and service server access protocol information (Riikonen, [0008-0010] and [0024-0025]);

Regarding claim 5, the combination of Riikonen and Anjum disclosed the method of claim 1.

Riikonen did not explicitly disclosed but Anjum disclosed that the application program starting message is received through a traffic channel formed in response to establishment of the data call (Anjum, [0039] discloses using SIP as the call establishment protocol; In SIP, a traffic channel is established at the default port 5060 or a user requested port).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

Regarding claims 6 and 17, the combination of Riikonen and Anjum disclosed the method of claims 5 and 16.

Riikonen further disclosed that the invoked application program attempts to access an application program starting server (Riikonen, [0009] and [0024-0025]).

Regarding claims 7 and 18, the combination of Riikonen and Anjum disclosed the method of claims 3 and 16.

Riikonen did not explicitly disclose but Anjum disclosed that the method comprises the steps of: originating an absence message when no appropriate application program corresponding to the application program starting message exists in the memory of the mobile terminal; and ending a call connection (Anjum, Fig. 7 and [0039] discloses the “415:

Unsupported Media” message sent by the called party to indicate the absence of a resource corresponding to the media).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

Regarding claim 12, the combination of Riikonen and Anjum disclosed the method of claim 8.

Riikonen did not explicitly disclosed but Anjum disclosed that the steps of: receiving an absence signal from the mobile terminal, indicating that no appropriate application program corresponding to the type of service specified by the application program starting message exists in a memory of the mobile terminal; and transmitting a download request message to the mobile terminal, requesting that the mobile terminal download an appropriate application program (Anjum, Fig. 7 and [0039] discloses the “415: Unsupported Media” message sent by the called party to indicate the absence of a resource corresponding to the media, to which message the caller replies with an INVITE containing the URL of the service provider).

The rationale for combining Riikonen and Anjum is the same as that provided in the rejection of claim 2 above.

2. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being obvious over Riikonen and Anjum as applied to claim 8 above, in view of Lazaridis et al. (U.S. 7,076,244, hereinafter “Lazaridis”).

Regarding claim 9, combination of Riikonen and Anjum disclosed the method of claim 8.

Riikonen did not explicitly disclose that the service server includes a stock server in which stock data are stored.

However, in the same field of endeavor, Lazaridis disclosed in column 2, lines 34-41 a content server 10a that provides information such as stock prices, i.e., a stock server.

One skilled in the art would have been motivated to combine Riikonen and Lazaridis because both disclosed delivering media data to a mobile device.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Lonnfors and Lazaridis so that the service server includes a stock server in which stock data are stored.

Regarding claim 10, combination of Riikonen and Anjum disclosed the method of claim 8.

Riikonen did not explicitly disclose that the service server includes an advertisement server in which advertisement data are stored.

However, Lazaridis disclosed the in Fig. 1 an advertising servers 10b as the content server that provides ad information to mobile devices.

The rationale for combining Riikonen and Lazaridis is the same as that provided in the rejection of claim 9.

Regarding claim 11, combination of Riikonen and Anjum disclosed the method of claim 8.

Riikonen did not explicitly disclose that the service server includes a messenger server for providing an instant message service.

However, Lazaridis discloses in column 2, lines 34-41 that the content server 10a in Fig.1 provides information such as instant messaging information, which impels that the content server can be a messenger server.

The rationale for combining Riikonen and Lazaridis is the same as that provided in the rejection of claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shirley X. Zhang/
Examiner, Art Unit 2444
4/29/2009

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444